

National Aeronautics and
Space Administration
Ames Research Center
Moffett Field, CA 94035



August 1, 2007

Reply to the Attn: Office of Chief Counsel

TO: Distribution

FROM: Thomas W. Berndt

SUBJECT: Determination Regarding Attendance by NASA Employees at an STS-118 Pre-Launch Reception hosted by Sun Microsystems.

In accordance with 5 C.F.R. 2635.204(g)(2) and (3), I make the following determination:

NASA invitees, accompanied by their spouse or a guest, may attend a pre-launch reception sponsored by Sun Microsystems at the Doubletree Hotel, Cocoa Beach, Florida, on or about Monday, August 6, 2007, from 6:30 p.m. to 8:30 p.m. This event is to be held in conjunction with the launch of STS-118, at the Kennedy Space Center.

This event will be a widely-attended gathering of approximately 80-100 representatives of government, industry and the community. Heavy hors d'oeuvres will be served at a cost of approximately \$20 per person. I find that the reception meets the requirements of a "widely attended gathering" as defined in 5 C.F.R. § 2635.204(g)(2). I have determined that free attendance at the above mentioned reception is in the interest of the Agency because it will further Agency program and mission objectives.

It is my understanding that NASA has proposed a strategic communications initiative through the combined Offices of Legislative Affairs (OLA), Public Affairs (PAO), Education (OEd) and Space Operations Mission Directorate (SOMD) to raise the awareness of educators, students, industry, and government officials in all 50 states regarding the benefits of space shuttle missions and America's long-term exploration strategy. It is my further understanding that the launch of STS-118 has an outreach theme focused on western states. Thus, I further determine that there is an Agency interest in NASA personnel attending the event in support of this initiative and NASA's overall statutory mandate to disseminate information concerning its activities.

Accordingly, NASA employees whose duties do not substantially affect the sponsor may accept an invitation for free attendance at the reception. They may also accept invitations for accompanying spouses or guests. NASA employees whose duties may substantially affect Sun Microsystems, such as by way of procurement or other agreement duties, should

Original signed by Thomas Berndt

Thomas W. Berndt
Acting Chief Counsel